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Security Council Committee established pursuant to resolution 1718 (2006)

Letter dated 5 June 2013 from the Permanent Representative of Japan to the United Nations addressed to the Chair of the Committee

I have the honour to submit a report prepared pursuant to paragraph 25 of Security Council resolution 2094 (2013), adopted on 7 March 2013 (see annex).

(*Signed*) Tsuneo **Nishida**
Permanent Representative

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Annex to the letter dated 5 June 2013 from the Permanent Representative of Japan to the United Nations addressed to the Chair of the Committee

Report to the Security Council prepared pursuant to paragraph 25 of Council resolution 2094 (2013)

1. The basic position of Japan

The position of the Government of Japan on the nuclear test conducted by the Democratic People's Republic of Korea on 12 February 2013 is clearly expressed in the statement made by Prime Minister Shinzo Abe on the same day. In his statement, the Prime Minister stressed that, when taken together with the enhancement by the Democratic People's Republic of Korea of its ballistic missile capability, which could serve to deliver weapons of mass destruction, the nuclear test was totally unacceptable, as it constituted a grave threat to the security of Japan. The Prime Minister stated that the test was also totally unacceptable because it represented a grave challenge to the international disarmament and non-proliferation regime centred on the Treaty on the Non-Proliferation of Nuclear Weapons. The test seriously undermined the peace and security of north-east Asia and of the international community.

The Government of Japan has been steadfastly undertaking necessary measures to implement Security Council resolutions 1718 (2006), 1874 (2009), 2087 (2013) and 2094 (2013) and is urging the Democratic People's Republic of Korea to take concrete actions towards the resolution of outstanding issues of concern, including those related to the abduction of Japanese nationals and nuclear and missile capability.

Security Council resolution 2094 (2013) is of great significance, as it embodies the international community's strong condemnation of the nuclear test and its grave concerns over the nuclear and ballistic missile programmes of the Democratic People's Republic of Korea. The Government of Japan reiterates that it is extremely important to swiftly and fully implement the resolution and that Member States need to coordinate their measures to the greatest extent possible for the effective implementation of the resolution.

The Government of Japan reaffirms that it will continue to cooperate closely with the Committee of the Security Council established pursuant to paragraph 12 of resolution 1718 (2006) and contribute to its work.

2. Measures with regard to resolution 2094 (2013)

The Government of Japan has taken the measures set out below with regard to resolution 2094 (2013). These measures, together with the unilateral measures in section 3 of the present report, are meant to further strengthen those contained in the previous report to the Security Council (see S/AC.49/2009/7).

(1) Financial measures (paras. 8, 11-13 and 15):

- The Government of Japan has introduced measures based on the Foreign Exchange and Foreign Trade Act (Act No. 228 of 1948) to prevent the transfer of financial resources to and from the two entities and the three individuals

designated in annexes I and II to Security Council resolution 2094 (2013) for their connection to the programmes of the Democratic People's Republic of Korea on nuclear weapons, other weapons of mass destruction or ballistic missiles (effective on 5 April 2013). (The Government of Japan has also introduced measures to prevent the transfer of financial resources to and from the six entities and the four individuals designated in annexes I and II to resolution 2087 (2013) (effective on 6 February 2013).)

- The Government of Japan had already introduced measures to prevent the provision of financial services that could contribute to the nuclear or ballistic missile programmes of the Democratic People's Republic of Korea or other activities prohibited by the relevant resolutions before the adoption of resolution 2094 (2013). Following the adoption of resolution 2094 (2013), the Government of Japan gave notice of its content to Japanese financial institutions and financial institutions operating in Japan.

- The Government of Japan announced on 5 April 2013 that, on the basis of the Banking Act (Act No. 59 of 1981), it would deny approval for an application for a banking licence for the purpose of opening a branch or establishing a subsidiary in Japan by a financial institution of the Democratic People's Republic of Korea. The Government of Japan has also requested any Japanese financial institution and any financial institution operating in Japan to refrain from transferring an ownership interest to or establishing or maintaining correspondent relationships with financial institutions of the Democratic People's Republic of Korea.

- The Government of Japan announced on 5 April 2013 that it would deny any application by a Japanese financial institution to open a branch or establish a subsidiary in the Democratic People's Republic of Korea. The Government of Japan has also requested any Japanese financial institution and any financial institution operating in Japan to refrain from opening representative offices, subsidiaries or banking accounts in the Democratic People's Republic of Korea.

- The Government of Japan does not provide any public financial assistance or support to the Democratic People's Republic of Korea, including for the activities referred to in paragraph 15 of resolution 2094 (2013).

(2) Measures concerning the movement of persons (paras. 9 and 10):

- The Government of Japan has introduced measures to prevent the entry into Japan and the transit through Japanese territory of the three individuals designated in annex I to resolution 2094 (2013) for their connection to the programmes of the Democratic People's Republic of Korea on nuclear weapons, other weapons of mass destruction or ballistic missiles (effective on 5 April 2013), on the basis of the Immigration Control and Refugee Recognition Act (Cabinet Order No. 319 of 1951). (The Government of Japan has also introduced measures to prevent entry into Japan and transit through Japanese territory of the four individuals designated in annex I to resolution 2087 (2013) (effective on 6 February 2013).) (Note: entry of any national of the Democratic People's Republic of Korea into Japan has been banned in principle since 11 October 2006.)

- The Government of Japan may apply travel ban measures to an individual on the basis of the Immigration Control and Refugee Recognition Act if the individual is considered to be working on behalf of or at the direction of a designated individual or entity or individuals assisting the evasion of sanctions or violating the provisions of the relevant resolutions. If such an individual is a national of the Democratic People's Republic of Korea, the Government of Japan may expel the individual from Japanese territory, in accordance with applicable domestic laws.

(3) Measures concerning goods (paras. 20, 22 and 23):

- The Government of Japan has banned imports from and exports to the Democratic People's Republic of Korea since 14 October 2006 and 18 June 2009, respectively. These measures affect items designated in annexes III and IV to resolution 2094 (2013), among others.

- The Government of Japan has introduced measures to designate the luxury goods specified in annex IV to resolution 2094 (2013) as subject to cargo inspection. The Government of Japan is currently undertaking the work necessary to designate the items in annex III to the resolution as subject to cargo inspection. (Note: in 2006 the Government of Japan drew up a list of designated luxury goods that includes all the goods specified in annex IV.)

(4) Measures concerning cargo inspections (paras. 16 and 17):

- Following the adoption of resolution 1874 (2009), in which Member States are called upon to inspect all cargo to and from the Democratic People's Republic of Korea, on 4 June 2010 Japan enacted a new piece of legislation entitled "The Act on Special Measures concerning Cargo Inspections etc. Conducted by the Government Taking into Consideration United Nations Security Council Resolutions 1874 etc." (Act No. 43 of 2010), building on existing domestic laws. The Government of Japan has steadfastly implemented necessary measures on the basis of this act. In the light of the adoption of resolution 2094 (2013), the Government of Japan reaffirms that it will continue to strictly implement the necessary measures, including inspections on cargos that are suspected of containing items whose supply, sale, transfer or export is prohibited by the relevant resolutions, on the basis of existing domestic laws, including the aforementioned act. The Government of Japan announced this policy on 5 April 2013.

- In the event that a vessel that has refused inspection requests entry into a Japanese port, the Government of Japan shall ensure that an inspection is carried out on the vessel, based on existing domestic laws, including Act No. 43 of 2010.

(5) Restriction on aircraft transportation (paras. 18 and 19):

- The Government of Japan shall deny permission to any aircraft wishing to take off from, land on or fly over Japanese territory if it is suspected of containing items whose supply, sale, transfer or export is prohibited by the relevant resolutions. The Government of Japan announced this policy on 5 April 2013.

- Japanese ministries and agencies shall, through the Ministry for Foreign Affairs, inform the Security Council Committee established pursuant to resolution 1718 (2006) of any information available on transfers to companies

of aircraft or vessels of the Democratic People's Republic of Korea that may have been undertaken in order to evade the sanctions or in violation of the provisions of the relevant resolutions.

(6) Vigilance on diplomats of the Democratic People's Republic of Korea (para. 24):

- Entry into Japan of all nationals of the Democratic People's Republic of Korea, including diplomats, has been banned since 11 October 2006.

3. Recent measures taken unilaterally by the Government of Japan against the Democratic People's Republic of Korea

The Government of Japan has taken additional measures against the Democratic People's Republic of Korea, taking into consideration the current circumstances, including the missile launches conducted by that country in April and December 2012 and the nuclear test conducted in February 2013, as well as the lack of progress regarding the cases involving the abduction of Japanese nationals. These measures are in addition to those contained in the previous report to the Security Council (see S/AC.49/2009/7).

(1) Measures concerning the movement of persons:

- The Government of Japan has announced, through the statement of the Prime Minister of 12 February 2013, that it shall in principle deny those who have been residing in Japan and are positioned to assist effectively the activities of the authorities of the Democratic People's Republic of Korea from re-entering Japan should they leave for the Democratic People's Republic of Korea. (Note: re-entry into Japan by authorities of the Democratic People's Republic of Korea residing in Japan who then leave for the Democratic People's Republic of Korea has been banned in principle since 5 July 2006. The announcement is meant to extend the coverage of this measure.)

(2) Financial measures:

- Concerning the export of means of payments, for example, to the Democratic People's Republic of Korea, the Government of Japan has further reduced the minimum amount for which notification to the relevant authorities is required, from the equivalent of 300,000 yen to the equivalent of 100,000 yen. Concerning money transfers to persons or entities with addresses in the Democratic People's Republic of Korea, the Government of Japan has also further reduced the minimum amount requiring reporting to the relevant authorities, from the equivalent of 10 million yen to the equivalent of 3 million yen (effective on 28 May 2010). These measures are expected to contribute to the implementation of Security Council resolution 2094 (2013), including its paragraphs 11 and 14.

- The Government of Japan has introduced measures for the freezing of assets and other measures on one entity and four individuals for their connection to the programmes of the Democratic People's Republic of Korea on nuclear weapons, other weapons of mass destruction or ballistic missiles (effective on 5 April 2013). The Government of Japan has taken these measures in the light of the purpose of Security Council resolution 2094 (2013), even though the entity and individuals affected were not designated by the relevant resolutions.